

**2960.0270 FACILITY OPERATION SERVICES, POLICIES, AND PRACTICES.**

Subpart 1. **Administrative structure.** The license holder must designate a single administrator of the facility, and in that person's absence, a staff person must be designated as being in charge. Upon request, the license holder must provide the names and addresses of the owners, board members, or controlling individual, and an organizational chart depicting organizational authority over the program to the commissioner of corrections.

Subp. 2. **Policies and procedures manual.** License holders must have a policy and procedures manual reviewed by the commissioner of corrections that is readily available to staff. The policy manual must contain policies and procedures for all aspects of the facility's operation. The license holder must ensure that the policies and procedures in the manual safeguard residents' rights and require the provision of basic services to residents.

Subp. 3. **Posting of medical, dental, and emergency resources.** A list of medical, dental, and emergency resources must be posted at each staff station in the facility. The list must include the emergency resources' telephone numbers and hours that each resource is available.

Subp. 4. **Medical services.**

A. A facility must provide space, staff, and a procedure for daily sick call to ensure residents the opportunity to report illness and injury and receive appropriate medical services for illness or injury.

B. A resident must be examined by a medically licensed person within a reasonable time if the resident is visibly ill, chronically ill, or whenever it is suspected that medical attention is necessary. A resident must receive emergency mental health and dental care when needed.

C. If medical services are delivered in the facility or through contract services, adequate space, equipment, supplies, and materials, as determined by the responsible physician, must be provided to deliver primary health care.

D. Staff responsible for the supervision, safety, and well-being of residents must be trained in emergency first aid procedures. At least one person per shift must have training in receiving, screening, basic life support, cardiopulmonary resuscitation, and recognition of symptoms of the illnesses most common to the residents detained in the facility.

E. A facility must have at least one first aid kit located at the facility's control center or primary staff station. The first aid kit must be inspected by a designated staff person regularly to assess the adequacy of first aid supplies. The kit must be adequate to meet the needs of residents and staff.

F. The license holder, in consultation with a medically licensed person, must develop plans and establish procedures and accessories for the secure storage, delivery, supervision, and control of medications and medical supplies in the facility.

Subp. 5. **Visitation.** A license holder must have a written visitation plan. The plan must include at least the requirements in items A to D.

A. A resident may visit, at reasonable times of the day, with parents, relatives, or other adults who were responsible for the resident's care before the resident was admitted to the facility, unless the license holder has convincing evidence that such a visit would not be in the best interest or welfare of the resident.

B. The facility administrator must set a facility-wide visiting policy regarding visitors, other than those described in item A. Visitors may be monitored, but notice of monitoring must be posted in the visiting area. The administrator may limit visits by persons other than those described in item A to scheduled visiting hours. Scheduled visiting hours must include mornings, evenings, weekdays, and weekends. A minimum of eight scheduled hours per week must be maintained for visiting.

C. Visits by an attorney, probation officer, case worker, or religious or spiritual counselor are allowed and must be permitted to take place in private.

D. The license holder must request visitors to register upon arrival at the facility; give their name, address, and relationship to the resident; and produce a reliable form of identification. If a visit is denied, the resident and visitor must be given the reason for denial and the reason must be documented in the resident's file.

Subp. 6. **Discipline plan.** The license holder must have a discipline plan that includes the requirements in items A to F.

A. A facility must have a resident discipline plan that explains:

- (1) the consequences or administrative sanctions for specific behaviors or omissions;
- (2) the administrative process for handling major and minor violations;
- (3) the right of written notice of major charges made against the resident;
- (4) the right to internal review; and
- (5) the appeal process.

B. The license holder must include in the disciplinary plan a system of due process that has been reviewed by the commissioner of corrections.

C. The license holder must post and explain the rules of conduct and related consequences to a resident in a way and in a language that the resident will understand.

D. Disciplinary room time must be used according to due process procedures reflected in the facility's discipline plan.

The status of a resident placed in disciplinary room time after a due process hearing must be reviewed by the facility administrator or the administrator's designee at least once every eight hours. Each review of the need for continued disciplinary room time must be done according to the facility's due process system and must be documented. A resident placed in disciplinary room time prior to a due process hearing must have a due process hearing within 24 hours, unless documented cause is shown to delay the hearing. Examples of cause for delay of a due process hearing include resident requests for a delay or that a due process hearing is logistically impossible as in the case of mass disturbances.

E. Other limitations on disciplinary actions include the limitations in subitems (1) to (4).

(1) Disciplinary rooms must have the minimum furnishings and space specified in the Department of Corrections construction standards.

(2) When a resident persists in the destruction of clothing or bedding or harms the resident's self with the clothing or bedding while in disciplinary room time, the facility may deprive the resident of clothing and bedding. The decision to deprive residents of clothing and bedding must be reviewed by the shift supervisor during each eight-hour period, unless specific orders to the contrary have been issued by the facility administrator or a designee or on the advice of a licensed physician or psychologist.

(3) The delegation of authority to a resident or group of residents to punish another resident or group of residents is prohibited.

(4) The license holder must not deprive the resident of the use of materials necessary to maintain an acceptable level of personal hygiene while on disciplinary status.

F. The license holder must keep a record of a resident's disciplinary infractions and the punishment administered. The license holder must retain copies of rule violation reports and reports of the disposition of each infraction and record of any resident's appeals for one licensing period.

Subp. 7. **Education program.** The license holder must provide education programs and services to a resident that are consistent with Department of Education rules and statutory requirements governing education of a resident. If the license holder suspects that a resident has a disability, and educational evaluation must be conducted according to applicable rules to determine if the resident has a disability. The license holder must ensure that the appropriate evaluation is completed and must assist a student who has disabilities and needs special education and related services to obtain those services.

Subp. 8. **Exercise and recreation.** The license holder must implement a plan that provides opportunities for physical exercise and recreational activities for residents. At a minimum, the plan must provide for and include:

A. regulations that are reasonable and necessary to protect the facility's security and the residents' welfare;

B. provisions for a minimum of two hours of daily preplanned exercise or activities supervised and directed by trained staff and recreational activities and leisure time activities, excluding time spent watching television;

C. provisions for indoor space and equipment for active recreation; and

D. provisions for outdoor recreational space, equipment, and support staff for outdoor recreational program services, except that this item does not apply to eight-day and 24-hour temporary holdover facilities.

Subp. 9. **Correspondence and telephone.** The license holder must implement a plan for handling resident mail and resident telephone use that is consistent with established legal rights of juveniles and reasonable and necessary facility regulations to protect the facility's security.

Subp. 10. **Juvenile clothing, bedding, and laundry services.** The license holder must meet the requirements of items A to C.

A. A resident must have neat, clean clothing that is appropriate for the season. The license holder must provide the resident with clothing if the resident does not have clothing.

B. The facility administrator or person in charge may consider it necessary to remove clothing or bedding from a resident if the resident's behavior threatens the safety or security of the resident or others in the facility. Facility staff must take all reasonable steps to ensure the safety and security of the resident and others and the security of the facility without success, prior to removing the resident's clothing or bedding. If bedding or clothing is removed from a resident, a critical incident report must be completed and kept on file at the facility for two licensing periods.

C. Laundry services must meet the resident's clothing, linen, and bedding needs.

Subp. 11. **Emergencies.** The license holder must develop a written emergency plan with procedures for the protection and evacuation of all persons in the case of fire, explosion, flood, tornado, or other emergencies. In addition, the emergency plan must provide for immediate and effective action in the event of hostage incidents, escape and escape attempts, suicide and attempted suicide, any illness or accident considered an emergency, power failure, major resident disturbances, assaults, and outbreaks or epidemics of contagious disease.

Subp. 12. **Reporting critical incidents.** Critical incidents of an unusual or serious nature that involve, or endanger the lives or safety of, facility staff or residents must be reported to the commissioner of corrections within ten days on a form supplied by the commissioner of corrections.

Subp. 13. **General requirements for food service.** Food service must meet the requirements of items A to F.

A. The goals of food service in a facility must be to provide food and beverages to residents that are nutritionally adequate, palatable, produced in a manner to prevent food-borne illness, of adequate quantity and variety, served at appropriate temperatures, and prepared by methods which conserve nutritional value.

B. Any food service provided in a detention facility must follow the requirements of chapter 4626.

C. When food is catered into the facility, it must be obtained from a source licensed by the Department of Health.

D. A facility housing a resident in need of a medically prescribed therapeutic diet must document that the diet is provided as ordered by the resident's physician.

E. If a resident's religious or spiritual beliefs require adherence to dietary customs, the license holder must make efforts to provide the special diet. If the license holder is unable to meet a resident's religious or spiritual dietary customs, the license holder must document why the resident's dietary customs could not be met.

F. Food must be covered during transport through nondietary areas, but need not be covered when served in a dining area which is contiguous to the food preparation area. The food service system must be capable of maintaining hot foods at 150 degrees Fahrenheit or higher and maintaining cold foods at 40 degrees Fahrenheit or lower. A dumbwaiter or conveyor that has a cab or carrier used for the transport of soiled linen or soiled dishes must not be used for the transport of food.

Subp. 14. **Housekeeping, sanitation, and plant maintenance.** The license holder must meet the requirements of items A to C.

A. The facility and all buildings, structures, or enclosures used by the facility, including walls, floors, ceilings, registers, fixtures, equipment, and furnishings, must be kept in good repair and maintained to protect the health, comfort, safety, and well-being of residents and staff.

B. The license holder must have and implement a written plan to inspect and document daily housekeeping, sanitation, and plant maintenance needs in the occupied parts of the facility.

C. The license holder, in cooperation with the facility's governing body, must develop plans, policies, and procedures to detect and correct building and equipment deterioration, safety hazards, and unsanitary conditions in the early stages of their development and provide for their repair, correction, or modification.

Subp. 15. **Physical plant and environment.** The license holder must meet the requirements of this subpart.

A. Building features, space for programs, equipment, and materials must be consistent with the facility's statement of intended use and program objectives. The facility's physical plant features must comply with chapter 2900.

B. The license holder must ask the local health authority and fire marshal to inspect the facility annually for health, sanitation, and fire safety conditions.

C. The Department of Corrections must review and approve all new construction and renovation of detention facilities. The license holder must meet the requirements of chapter 2900 governing the construction of new corrections facilities.

D. A nonsecure 24-hour temporary holdover facility must:

(1) be located in a nonsecure area of a public or private building where either law enforcement or emergency services staff are available on a 24-hour-a-day basis and who agree to respond immediately with backup assistance in the event of an emergency;

(2) have a minimum of 120 square feet of floor space for the first resident held and an additional 50 square feet of floor space for each additional resident held;

(3) have provisions for each resident to lie down, sleep, or sit in comfort;

(4) have access to bathroom and shower facilities on the same floor;

(5) have telephone or audio communication equipment with direct access to emergency backup personnel;

(6) have the capability to prepare meals or arrange for meals to be delivered;

(7) have lighting, ventilation, and temperature controls to maintain reasonable comfort;

(8) provide separation between male and female residents to meet the privacy needs of the residents;

(9) have minimum furnishings in the facility, consisting of telephone, radio, television, table, chairs, storage space, bed, lamps, first aid kit, bedding, replacement clothing, personal hygiene items, and leisure activity materials;

(10) comply with all federal, state, and local fire safety requirements and sanitation, safety, and health codes. Furnishings also must comply with these requirements and codes; and

(11) have a storage area that can be locked to store necessary supplies and equipment.

E. A secure 24-hour temporary holdover facility must:

(1) comply with all of the minimum standards required of a nonsecure 24-hour facility with the exception that toilet and washbasin facilities must be located within the secure room;

(2) have all fixtures and furnishings in a secure detention room and be of a secure type and be appropriately secured to ensure safety for staff and the juvenile being detained;

(3) have a door to the secure room with an observation window with a cover to afford privacy when necessary and a food-pass feature; and

(4) have secure temporary holdover rooms used to detain juveniles that are single occupancy with a minimum of 70 square feet of floor space.

F. A secure or nonsecure eight-day temporary holdover facility must meet the requirements of subitems (1) to (12).

(1) The facility must not exceed a maximum capacity of eight beds.

(2) The facility must have at least two secure single occupancy detention rooms. Each secure room in the facility must be single occupancy, have a minimum of 70 square feet, and be equipped with toilet and washbasin facilities. Furnishings and fixtures must be of a secure type and room doors must have observation windows with panel covers. Space for day activity areas outside of the detention rooms must be provided with access to natural light. Audio monitoring that allows a resident to communicate with facility staff when in need of assistance must be in each room and day activity area. Visual monitoring cameras must be in the day activity areas if the areas cannot be directly observed from the staff station.

(3) Nonsecure detention rooms in the facility must have a minimum of 70 square feet in single occupancy rooms and a minimum of 60 square feet per juvenile in multiple occupancy rooms.

(4) The facility must have access to natural light in the activity area.

(5) Activity space must be provided to accommodate multiple uses, specifically for dining, school, physical exercise, recreation, leisure, and visiting activities. The space must be no less than 625 square feet.

(6) Separate space must be provided for admission and intake procedures that provides for private and confidential processing.

(7) The facility must provide separation capability between the secure and nonsecure rooms within the facility and for proper separation between male and female residents to afford privacy.

(8) The facility must provide separate bathroom and shower facilities for the secure and nonsecure units of the facility.

(9) The facility must provide the same furnishings as required in the secure and nonsecure 24-hour temporary holdover facilities.

(10) The facility must have the capability to prepare meals or arrange for meals to be delivered.

(11) Functional physical exercise equipment must be readily available for use by juveniles in the secure and nonsecure programs on a daily basis.

(12) The facility and furnishings must comply with federal, state, and local fire safety requirements and sanitation, safety, and health codes.

Subp. 16. **Information reporting required.** The license holder must report information and statistics about program services, outcomes, and data about residents in the license holder's facility to the commissioner of corrections according to Minnesota Statutes, section 241.021, subdivision 1, paragraph (a).

**Statutory Authority:** *L 1995 c 226 art 3 s 60; MS s 241.021; 245A.03; 245A.09*

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